

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BROOKLYN HEIGHTS ASSOCIATION, INC., BY
ITS PRESIDENT JANE MCGROARTY,

FULTON FERRY LANDING ASSOCIATION, BY ITS
PRESIDENT JOAN ZIMMERMAN,

THE NEW YORK LANDMARKS CONSERVANCY,
and

THE PRESERVATION LEAGUE OF NEW YORK
STATE,

Plaintiffs,

v.

NATIONAL PARK SERVICE,

KENNETH SALAZAR,
Secretary of the U.S. Department of the Interior, and

BROOKLYN BRIDGE PARK DEVELOPMENT
CORPORATION,

Defendants,

BROOKLYN BRIDGE PARK CORPORATION, and

ST. ANN'S WAREHOUSE, INC.,

Defendant-Intervenors.
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Case No: 11 CV 0226 (ENV)

STIPULATION

WHEREAS, the parties in the above-referenced action (the "Parties") appeared before
the Court on March 21, 2011, regarding Plaintiffs' motion for a preliminary injunction; and

WHEREAS, Defendants and Defendant-Intervenors have no plans to physically alter the
existing structure and/or condition of the Tobacco Warehouse, alter its current use, or alter its
legal status during the relevant time period of this Stipulation;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the respective Parties hereto, as follows:

1. "Standstill Period" shall be defined as the period between March 21, 2011, and April 8, 2011.
2. During the pendency of the Standstill Period, Defendant Brooklyn Bridge Park Development Corporation and Defendant-Intervenors Brooklyn Bridge Park Corporation ("BBPC") and St. Ann's Warehouse, Inc. **will not**:
 - (a) physically alter the existing structure and/or condition of the Tobacco Warehouse, including by excavating test pits or test borings into or in the immediate vicinity of any portion of the Tobacco Warehouse; or
 - (b) execute or enter into any contracts or agreements that legally bind any City agency or entity, including BBPC, to alter the physical structure of the Tobacco Warehouse, to alter the current use of the Tobacco Warehouse, and/or to alter the legal status of the Tobacco Warehouse. Such legally binding contracts or agreements include but are not limited to ground or occupancy leases of the Tobacco Warehouse.
3. This Stipulation will not bind Defendant-Intervenor BBPC in the event of any emergencies requiring physical alterations to the existing structure and/or condition of the Tobacco Warehouse for public health or safety.
4. Defendants National Park Service and Kenneth Salazar agree to take no action inconsistent with the terms of this Stipulation.
5. During the pendency of the Standstill Period, Plaintiffs **will not** file any motion for injunctive relief against or discovery from Defendants or Defendant-Intervenors in connection with the Tobacco Warehouse.

IT IS FURTHER STIPULATED AND AGREED that, for purposes of this Standstill

Agreement, faxed or scanned signatures shall be considered as original.

Dated: New York, New York
March 23, 2011

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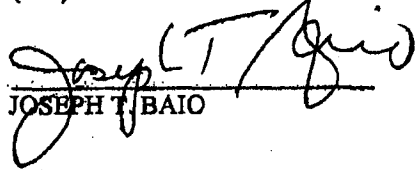
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IT IS FURTHER SUBMITTED AND AGREED that for purposes of this Standstill

Agreement, the following names shall be considered as of itself

DOES NOT include any other

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Dated: New York, New York
March 23, 2011

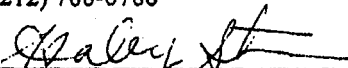
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Assistant U.S. Attorney

Application Granted

SO ORDERED

Brooklyn, New York
Dated: APR 04 2011

s/ENV

Eric N. Vitaliano
United States District Judge